

EXHIBIT 1

4 CASEY INVESTIGATORS LLC, a)
5 Washington Limited Liability)
Company, and MARIO A. TORRES,)
an individual,)
6)
7 Plaintiffs,)
8 vs.)
9)
10 PRONTO PROCESS SERVICE, INC.,)
a Washington corporation;)
11 NORTHWEST RAIL ENTERPRISES,)
INC., a Washington corporation;))
12 MARK OWENS, an individual;)
13 GREGORY and MARY LEE RUSTAND,)
individually and as a married)
couple; DIANE PEFLEY, an)
individual; A to Z LEGAL)
14 SUPPORT SERVICES, a Washington)
business entity; ROBERT G.)
15 LACK, an individual; WASHINGTON)
STATE PROCESS SERVERS)
16 ASSOCIATION, a Washington)
business association; and)
17 NATIONAL ASSOCIATION OF)
PROFESSIONAL PROCESS SERVERS,)
a national business association))
18 Defendants.)
No. CV04-1453 C

DEPOSITION UPON ORAL EXAMINATION OF:
MARIO A. TORRES

1 TIME: 10:00 a.m., Monday, February 14, 2005
2 TAKEN AT: Leavy, Schultz, Davis & Fearing
2415 West Falls Avenue
Kennewick, Washington
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4 CALLED BY: Defendants
5 BEFORE: DEBORAH K. RICHMAN, CCR, RPR
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1 APPEARANCES:

2 For the Plaintiffs:

3 McGlothin Myhre
4 BY: THEODORE A. MYHRE
1221 East Pike Street, Suite 205
Seattle, Washington 98122

5 For Defendants Pronto Process Service, Owens and Lack:

6 Leavy, Schultz, Davis & Fearing
7 BY: GEORGE FEARING
2415 West Falls Avenue
8 Kennewick, Washington 99336

9 For Defendants A to Z Legal Support Services, Rustand and
Pefley:

10 Davis Pearson
11 BY: EDWARD S. WINSKILL
P.O. Box 1657
12 Tacoma, Washington 98401

13 For Defendant Washington State Process Servers Association:

14 Littler Mendelson
15 BY: JAMES G. ZISSLER
701 Fifth Avenue, Suite 6500
Seattle, Washington 98104-7097

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1 Attorney's Office when you were part-time, working 24
2 hours a week?

3 A. What's that, sir?

4 Q. How much did you make with the Prosecuting Attorney's
5 Office when you were working 24 hours a week?

6 A. I don't remember.

7 Q. Once you were hired by the Liquor Control Board, did
8 you work full-time with the Liquor Control Board?

9 A. Yes, I did, sir.

10 Q. When did you form your private investigation business?

11 A. I believe it was December 2001.

12 Q. Has that business always been known as Casey
13 Investigations?

14 A. Yes, sir.

15 Q. Has that business always been a limited liability
16 company?

17 A. Yes.

18 Q. Who prepared the papers to form the limited liability
19 company?

20 A. My wife and I. Both of us.

21 Q. Did she do most of the work in preparing the papers?

22 A. No, I think it was equal. We both sat at the kitchen
23 table and kind of tried to figure out, you know, how to
24 do it.

25 Q. Did you have the assistance of any attorney?

1 A. I've always known them just as Clayton, but she might
2 be -- I think she's got a partner in there now.

3 Q. Is her office on 20th Street, or just off of 20th
4 Street?

5 A. It was. It was. It's moved. It's over by the Ryder
6 Company off of Lewis now, but, yeah, it used to be
7 right off of 20th, right by the eyeglass place.

8 Q. How long has Karen Clayton been the accountant?

9 A. A couple years, sir.

10 Q. Do you consider her the accountant for both the limited
11 liability company and you and your wife personally?

12 A. Yeah, she does everything.

13 Q. "Everything" being what?

14 A. I mean, she handles our taxes.

15 Q. Does she prepare profit-and-loss statements?

16 A. I don't believe so. I think my wife handles the
17 profit-and-loss statements.

18 Q. Does Karen Clayton prepare balance sheets?

19 A. I'm not sure, sir. I'm not sure.

20 Q. Who are the owners of the limited liability company?

21 A. Myself and my wife.

22 Q. Have there ever been any other owners?

23 A. No, sir.

24 Q. What does your wife do for the business?

25 A. She manages the business. She works at the office,

1 inside the office.

2 Q. Where's the office located?

3 A. 8428 West Gage Boulevard, Suite No. F, Kennewick 99336.

4 Q. How long have you had that office?

5 A. We've been there probably two years, now.

6 Q. Did you have any other offices?

7 A. Yeah, we had one downstairs at that same location,

8 suite no. D. And when I very first went into business,

9 I had an office over at the Fowler building, I had

10 another office in there, 1776 Fowler Avenue in

11 Richland.

12 Q. When did you open the Fowler building office?

13 A. As soon as I got my license.

14 Q. License to do what?

15 A. To do my investigations, as soon as my company got

16 licensed.

17 Q. And when did your company get the license?

18 A. December 2001.

19 Q. And what does that license allow you to do?

20 A. I'm a private investigation agency, process messenger

21 service.

22 Q. Does one need a license to be a private investigator?

23 A. Yes, sir.

24 Q. Does one need a license to be a process server?

25 A. No. You need to be registered as a process server. I

1 Q. Do you know Mary Rustand?

2 A. No, sir.

3 Q. Greg Rustand?

4 A. No, sir.

5 Q. Have you ever spoken with them on the phone?

6 A. No, sir.

7 Q. Have you ever spoken to Diane Pefley on the phone?

8 A. No, sir.

9 Q. Have you ever spoken to any representative of A to Z on
10 the phone?

11 A. No, sir.

12 Q. Have you ever spoken to any representatives of Pronto
13 Process, other than Mark Owens?

14 A. No, sir.

15 Q. Do you believe that Robert Lack knew the statements
16 that you have identified as being false in Exhibit 2 to
17 be false?

18 A. I don't know what he's thinking. I don't know. The
19 only thing I know is that he's Mark Owens' friend,
20 roommate.

21 Q. Were you notified of Robert Lack's complaint before you
22 left employment with the Liquor Control Board?

23 A. I was notified of a complaint.

24 Q. Who notified you of a complaint?

25 A. Kevin Starkey. Senior Agent Kevin Starkey.

1 Q. When did he notify you?

2 A. He notified me July 9th, or, no, it was July 10th. All
3 he did was, he called me in the office and said, "Hey,
4 Torres, we've got a complaint came in on you," and he
5 started talking, "But," he says, "it involves your
6 business," and when he said that, I told him, I said,
7 you know, "I've gotten -- My clients have been calling
8 me, telling me that there's a guy calling, saying that
9 I'm doing, you know, that I'm a felon and I've done
10 some time, prison time, I'm carrying a gun and
11 flashing a badge and I'm serving papers using my patrol
12 car," and I go, "Does that sound like anything that
13 you're --" and he goes -- He didn't say anything.

14 He goes, "Look, I just know some guy sent a
15 complaint in and he's provided some affidavits." And I
16 go -- And he goes, "And we're going to go ahead and
17 move forward with the investigation." And I said,
18 "Well, what does that mean?" And he says, "Well,
19 we're going to -- This guy's also provided a list of
20 all your clients," and I go, well, you know, I said,
21 "Well, you can verify through all my time logs and
22 everything else. You're not going to be contacting any
23 of my clients are you?" And Kevin said, "Yeah." He
24 goes, "We're going to contact all your clients." He
25 says, "We got to."

1 I says, "Well, if you do that, you're going to
2 give this guy -- you're going to give him a voice, if
3 the clients, you know, think that I'm being
4 investigated," because one of the complaints -- one of
5 my clients was telling me that I was being investigated
6 by the Liquor Control Board and I wasn't at that time,
7 but I said, "If you come over and start asking
8 questions, you're giving this guy the validity," I
9 said, "that you're investigating me." I go, "My
10 clients are going to walk on me if you do that." And
11 he goes, "I'm sorry, man. This is the way it's got to
12 be."

13 And I said, "Well, I'm not going to risk losing my
14 clients." I said, "What do I got to do?" He says,
15 "Well, you can put in your walking papers. If you put
16 in your walking papers, we're not going to call
17 anybody."

18 So, I wrote up my resume -- my resignation right
19 there, submitted my resignation. I said, "Here you
20 go." That was it.

21 Q. This was a conversation with Mr. Starkey on July 10;
22 correct?

23 A. As soon as he gave me the complaint, told me what they
24 were going to do, because he says they were going to
25 contact my clients, I said, "When are you going to

1 MR. MYHRE: You did open the door, George.

2 A. Normally I can't get through the secretary up front,

3 so -- I got you right here, man.

4 Q. Well, I've lost my place. Do you make enough money, as

5 far as you're concerned, with Casey Investigations to

6 support your family?

7 A. Do I make enough money? Yes, sir. I can always make

8 more money. More money is good, but we're surviving.

9 Q. If you gave my law firm a bid for your work, would you

10 underbid Pronto Process Service?

11 A. I wouldn't know what his prices were. I would just

12 tell you what our prices would be and see if you could

13 live with that.

14 Q. Would you tell me that you would charge \$5 less than

15 what Pronto Process Service charges?

16 A. No, I would say: I'll charge 25 to this area.

17 Q. Have you ever told any clients or potential clients

18 that you would underbid other process servers?

19 A. I have -- I have -- I have said that I would beat

20 anyone's price by 20 percent.

21 Q. And to whom have you told that?

22 A. I would send that out in a flyer when I very first got

23 started.

24 Q. Is that something you would tell a potential client

25 today?

1 A. I do believe that Dina took to heart what she was told.

2 Q. Has Dina ever told you that?

3 A. Told me that?

4 Q. Yes.

5 A. No, but by her not doing business with us, when she had
6 already said she was, sent me a clear message that she
7 believed what she had been told.

8 Q. Are you a member of the State Process Servers
9 Association?

10 A. No, sir.

11 Q. Do you plan to be a member?

12 A. No, sir.

13 Q. Why do you not wish to be a member?

14 A. I feel that with what has gone on with this case
15 here -- You see, when I went up for the bid for the
16 state contract, on that day I was approached by a
17 member of the association with an application and a
18 pen.

19 Q. That was in the year 2002?

20 A. Yes, sir. And they asked me to join right at that
21 table, and I said -- I told them that I didn't want to
22 at that point, I wanted to read and find out what it
23 was about. We had a follow-up meeting a month later in
24 Olympia again regarding that same contract. That same
25 individual came up to me with another form, and I told

1 e-mail?

2 A. No. No, sir.

3 Q. Are you a member of the National Association --

4 A. No, sir.

5 Q. -- of Process Servers?

6 A. No.

7 Q. Do you plan to join?

8 A. I don't, sir.

9 Q. If you know, what do you have to do to join the state
10 association?

11 A. What do you have to do?

12 Q. Yes.

13 A. Just fill out the membership and send them their
14 money. That's it.

15 Q. How much money?

16 A. I don't know. A couple hundred bucks probably.

17 Q. Do you know a gentleman by the name of Dennis Copeland?

18 A. I've heard of him.

19 Q. What have you heard about him?

20 A. He's the owner of Legal Carriers. He handles the
21 Yakima area.

22 Q. He's a process server?

23 A. He's an owner.

24 Q. Of Legal Carriers?

25 A. Legal Carriers, yeah. And he serves -- They handle

1 you could probably get as an agent, using the radio,
2 would be license plate information, if you used your
3 radio, portable radio, but, other than that, that would
4 be it.

5 Q. You testified this morning about an AS400 that you
6 would have access to --

7 A. Yes, sir.

8 Q. -- where you could look up information about corporate
9 offices?

10 A. Yeah. It's an in-house system with just the liquor
11 board, and if someone puts in a liquor license, it has
12 all -- it has the owner of the establishment, contact
13 phone, address, and also has a history of violations.
14 So, if they've had an over-serve or a minor violation,
15 it would be in the AS400.

16 Q. So, the AS400 is limited to entities with a liquor
17 license?

18 A. That's it, right, or tobacco license, sir.

19 Q. I wanted to get as best an understanding as I can about
20 any conspiracy that you allege the defendants have
21 engaged in. Can you tell me everything that you
22 believe has happened with respect to conspiracy?

23 A. Okay. Well, I believe that the conspiracy between Mark
24 Owens and Robert Lack, roommates, lived together, I
25 believe that they have conspired with Pefley, and all

1 three of them decided to contact my job and submit all
2 these allegations on me and also contact my clients and
3 have all made it very difficult for me to try to gain
4 any business at all in the Tri-Cities or anywhere
5 else.

6 I feel Pefley is connected with Mr. Rustand
7 because she's their employee. They own the business
8 and she's the manager, and so -- And I feel that
9 they're all members of the state organization. I feel
10 the state organization assisted in price-fixing, and I
11 think they're all intertwined with each other.

12 Q. Is it not possible that any actions you allege that
13 Owens, Lack and Pefley engaged in were done solely on
14 behalf of their own company's interests and having
15 nothing to do with their membership in the state
16 association?

17 A. Well, I guess anything is possible, you know.

18 Q. Do you have reason to believe that any action Owens,
19 Lack and Pefley took was done with respect to their
20 membership in the state association?

21 A. I feel that them all being members of this
22 organization, I feel that me not joining the
23 organization, I feel that it really -- that these guys
24 started coming on strong at me when I did not join that
25 organization. That's what I feel. I feel if I would

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1 have joined, I don't think that they would have been
2 acting the way they've acted and treated me.

3 Q. When were you first approached and asked to join?

4 A. I was approached at the very first meeting that was
5 held for the state contract in Olympia.

6 Q. And when was that?

7 A. Sir, I'm not very sure when it was. I believe it was
8 maybe August 2001.

9 Q. August of 2001?

10 A. I'm not positive, sir. I'm not sure. It was during
11 the first meeting, when everyone was trying for the --
12 when everyone knew that the state contract was up for
13 bid. It had been six years. There was, oh, probably
14 20 owners, 20 process service owners, showed up in
15 Olympia and we were all in a room this big at a little
16 table. So, I was kind of in there with all these big
17 guys in there, and then they had -- I believe they had
18 like two other meetings to tell us more information
19 about that contract, and so I went to each meeting, and
20 each meeting these guys were there, and that's how I
21 ended up knowing who everybody was.

22 Q. And your testimony earlier -- I'm just trying to
23 clarify before I ask some more questions -- was that
24 you're not certain, but you believe it was Robert Zorn
25 that asked you to join and gave you, or tried to give

1 you an application and have you join; is that right?

2 A. Right, sir. I'm not one hundred percent certain.

3 Q. But someone did?

4 A. Yes, someone definitely did. It was that same person
5 each time.

6 Q. And it was at this meeting?

7 A. And it was at those meetings, yes, sir.

8 Q. So, this meeting occurred before you even started your
9 company; correct?

10 A. What's that?

11 Q. Your company began in December of 2001; correct?

12 A. Right.

13 Q. So, the meeting in Olympia occurred before you had even
14 begun?

15 A. You know, I may be off by one year, sir.

16 Q. So --

17 A. I think I am.

18 Q. So, it might have been August of 2002?

19 A. I think so, yeah.

20 Q. So, it might be August of 2002 that this meeting in
21 Olympia takes place, where you're first approached --

22 A. Right.

23 Q. -- and you said no? When was the next meeting, do you
24 recall? A couple weeks later?

25 A. Yes, sir. Yeah. It was like a month later, I think.